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# REPORT OF THE 5TH MEETING OF THE CONFERENCE OF AFRICAN MINISTERS OF SOCIAL AFFAIRS ON JUVENILE DELINQUENCY, CRIME AND JUSTICE IN THE LIGHT OF SOCIO-ECONOMIC CONDITIONS IN AFRICA

June 1989

TABLE OF CONTENTS

PAGE

WHAT IS JUVENILE DELINQUENCY

FACTORS CONTRIBUTING TO JUVENILE DELINQUENCY

- Early antisocial behaviour
- Youth and the family
- Urbanization and its impact on youth
- Occupational factors
- The school
- The influence of peer groups

THE NATURE AND EXTENT OF JUVENILE DELINQUENCY AND CRIMINALITY

THE TREATMENT OF JUVENILE OFFENDERS

- Zambia
- Ethiopia
- Uganda

CONCLUSION

WHAT IS JUVENILE DELINQUENCY?

1. There does not seem to be an agreed definition of what is considered as juvenile delinquency and criminality. It is just as well that no rigid definition should be applied, as each country, society and community in a given time and space, may have its own definition of what is considered juvenile delinquency, in terms of its societal and cultural requirements, as defined by the penal code, and as applied by the police and courts. What compounds the difficulty is also the fact that there does not seem to be an agreed chronological line of demarcation nor age between delinquency and adult criminal behaviour. Each country seems to have its own age range, a lower and upper limit, as defined by its penal code, and as considered by society. Broadly speaking, juvenile delinquency is applied variously to designate diverse forms of youthful activities that are regarded as misbehaviour. (Bloch and Geis 1970)

2. According to the Juvenile Act, Cap. 217 of the laws of Zambia, a juvenile is a person who has attained the age of nineteen years. In legal terms therefore, juvenile delinquency refers to acts committed by persons below the age of nineteen years who contravene specific sections of the law (Katati, 1989). In the Ethiopian context, the legal definition of a juvenile delinquent refers to a child who commits an act that could have been considered a crime if committed by an adult. This means a youngster between the age range of 9-15 years who has violated the law and is therefore dealt with according to the 1957 penal code under articles 161-173 which stipulate that, a youth between the age of 16 (the end of criminal minority) and the age of 18 (the age of legal majority) is subject to the ordinary provision of the law except in special cases where an offence committed is of a minor nature and expert opinion suggests that it belongs to a curative institution (Mengesha, 1989).

3. The statutory definition of juvenile delinquency in Uganda is embodied in section 5.2 of the Approved Schools Act, cap. 110, which defines juvenile as a person who has attained the age of seven years and is under the age of sixteen years. The absolute minimum age of criminal responsibility according to section 14(1) of the Penal Code Act. cap. 106 is seven years. In addition, a person under twelve years is not criminally responsible under section 14(2) of the Penal Code Act, unless he runs away when seen doing the criminal act (government responses to quenstionnaire, 1988). In Senegal, a distinction is made between a minor who is delinquent and a minor in moral danger. The former is one who commits an infraction against the law and has not attained the age of 18 years old. The latter is one whose health, security, morality and education have been compromised and yet has not attained the age of 21 years of age. Hence, the age of criminal responsibility starts at 18 years. In addition, a minor above 13 years of age could be placed provisionally under custody if the judge sees so fit or in the absence of another appropriate solution (government responses to questionnaire, 1988). The minimum age of criminal responsibility in Central African Republic as specified in Article 49 of the Penal Code, is 14 years. At the same time the article provides for the procedure applicable to minors of 16 years of age (Yanibada, 1987).

4. In an attempt to define juvenile delinquency in the Congo, Ngome looks at it from the social, legal and psychological point of view. Legally, he defines delinquency as conduct considered anti-social by the law. In this connection, Articles 685 to 738 of the Penal Procedure Code of the Congo apply to juvenile delinquants under the age of 18 years. The sociological definition views juvenile delinquency as a deviation from the social norms, and psychologically as a manifestation of maladjustment of an individual to society (Ngoma, 1987). In Algeria, juvenile delinquency is considered a manifestation of social maladjustment of youth. In this context, the phenomenon could not be disassociated from the whole society. Articles 444 and 445 of the ordinance promulgated in June 1966, specifies the penal procedure for minors between 13 and 18 years of age. A juvenile is considered to have attained the age of majority at 19 years of age (Ministry of Justice, 1987).

5. These few examples illustrate the point made earlier on, that there are variations in the definition of delinquency and in the age range of criminal responsibility. What could be said as constituting a broad agreement is that juvenile delinquency is some deviation from the accepted norms or standards, at a given age before majority, as defined by a given society, culture, legal system, or as applied and interpreted by the police, courts or other correctional agencies, at a given time and place.

FACTORS CONTRIBUTING TO JUVENILE DELINQUENCY

6. Since the 18th Century when Ceasare Beccaria first attempted to explain crime and delinquency in terms of free will and hedonism, criminologists and social scientists have made tremendous efforts in explaining the etiology of crime and delinquency. Over the years, theories of causation have developed from Beccaria's free will, to Lombrosian's biological explanation of a "born criminal", to environmental theories that put emphasis on environmental factors, to the modern concept of multiple causation. It is now generally recognized and accepted that deviance is a result of a combination of factors, internal and external, innate or acquired, which interact with each other with more or less consequences, in space and time. Consequently, the issue of juvenile delinquency in African countries must be examined in the context of the cultural, social economic and other conditions relevant to African environment. Some of the major contributing factors are examined hereunder.

Early Antisocial Behaviour

7. Problematic anti-social behaviour in some children continues in later life. The greater the variety, frequency, and seriousness of childhood anti-social behaviour before age 10, the greater the risk of persistent and frequent behaviour continuing into adulthood (Hawkins et.al). Unfortunately, studies in African countries to support this position are not available, but studies elsewhere have shown that persistent early anti-social behaviour appear to predict such delinquent behaviour as early initiation and frequent use of illicit drugs in adolescence, and increases the probability of involvement in crime later in life (Hawkins et.al 1988).

8. It should however be recognized that a certain amount of misconduct and some behavioural problems are to be expected in all children as part of the process of growing up. Hundreds of years ago, Socrates complained of the misbehaviour of youth of his days and their disrespect for authority, including parents, elders, and teachers. Even in contemporary societies it is not uncommon to hear adults complaining of the misbehaviour and nonconformity of today's young people. This situation is also attributable to the generation gap, between youth attracted to a different way of life and their elders who still place a higher value on traditional mores. It is therefore possible in some cases, that the perennial nonconformity of youth is taken by society and the law as delinquent behaviour, whereas it could be just a passing phase of development and not a static condition.

Youth and the Family

9. In traditional African societies, the family and all its extended members, as well as the whole village community, played a very significant role in the socialization and formation of youth, along culturally prescribed and acceptable norms, with clearly defined goals. Indeed, passage rites were (and still are in some places) performed to mark the end of youth and the beginning of adulthood. This system provided youth of a given community, with the needed social and psychological stability and a sense of belonging in a cohesive socio-culturally environment. Over the years, however, due to various socio-economic factors, the traditional African family and its social systems have been undergoing some transformation with both positive and negative results. Exposure to the outside world with all its new knowledge, technologies, communications systems, and other new infrastructures, in spite of its many positive developments, has gradually weakened and eroded the traditional authority of the African family system. Schooling, urbanization, the mass media and new types of peer groups have introduced new dimensions in the socialization of youth, and as a result have replaced some elements of the traditional educational system. Changing values and attitudes of youth towards the role of older members of the family and the community as a whole are also reducing the impact of the family role in socializing and educating its young members. This role is increasingly being shared by other social institutions.

10. The weakening of family ties, and its social-control and preventive mechanisms has been identified by several African countries as a major contribution factor in juvenile criminality and delinquency. In the Congo for example, familial factors contributing to juvenile delinquency have been identified to include parental separation, divorce, abandonment, especially during the crucial growing stage when the child most needs parental care and affection, excessive corporal punishment which provokes defensive attitudes and behaviour against parents and authority, and permissiveness without proper control (Congo Report). A similar situation has been observed in Burundi, that the absence of or deficiency in familial care and education results in the child abandoning his sense of morality and becoming a social misfit (Burundi Report).

11. An Analysis of the causes of delinquency in Madagascar singled out family-related problems as a major contributing factor as illustrated in Table 1. Of the 92 minors placed under custody in 1965, 3 had no families at all, 13 lived with

a single mother (father unknown), 49 had separated, divorced or deceased parents, while 29 came from intact families. Similarly in 1986, of the 120 minors under custody, 9 had no families, 21 lived with a single mother (father unknown), a total of 47 had separated, divorced or deceased parents, while 43 came from intact families. (Madagascar Report)

TABLE 1 : MADAGASCAR

CENTRE DE REEDUCATION
AKANY FIARENANA

SITUATION FAMILIALE DES MINEURS
DELINQUANTS PLACES PAR ORDONNANCE

| | FAMILLE (Foyer) INEXISTANTE | | MERE SEULE PERE INCONNU | | FOYER DISLOQUEE SEPARE-DECEDE | | EPOUX DIVORCES | | FAMILLE UNIE | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1985 | 1986 | 1985 | 1986 | 1985 | 1986 | 1985 | 1986 | 1985 | 1986 |
| Moins de 13 ans | 1 | 2 | 3 | 8 | 4 | 3 | 2 | 2 | 3 | 9 |
| 13 à 16 ans | 1 | 4 | 6 | 10 | 16 | 11 | 10 | 10 | 10 | 18 |
| 16 à 18 ans | 1 | 3 | 4 | 3 | 9 | 10 | 8 | 11 | 14 | 16 |
| T O T A U X | 3 | 9 | 13 | 21 | 29 | 24 | 20 | 23 | 27 | 43 |

ANNEE 1985 = 92 Mineurs Placés

ANNEE 1986 = 120 Mineurs Placés

SOURCE: Madagascar report presented to the seminar on the Prevention and Treatment of Juvenile Delinquency, in the context of development, Addis Ababa, November 1987.

12. In Algeria it has been reported that the rising rates of divorce and family abandonment has led to an increasing number of young people who are psychologically vulnerable and exposed to delinquent tendencies. Negligence of parents and broken homes have also been cited by Uganda, Ethiopia, Senegal, Zambia and Tanzania, in various studies as factors which influence juvenile criminality in these countries. The seminar on Juvenile Delinquency, held in Brazzaville in November 1984 and attended by representatives from Cameroon, Central African Republic, Congo, Gabon, Equatorial Guinea, and Chad, underlined familial factors as disposing youth to juvenile delinquency. Some of those emphasized by the seminar included the new phenomenon, especially in the urban centres, of increasing cases of a nucleus family in the African society which limits the socializing role and responsibility within its confines, without the guarantee that it is necessarily capable of carrying out this role alone effectively, without the help of the extended family, as it has traditionaly been the practice. Also, the instability within the home, as well as alcoholism breads conflicts and violence, and deprives the child of a conducive atmosphere for psychological and moral growth.

13. Family factors as a root cause of juvenile delinquency was also underlined by participants representing 19 African countries, at the seminar on the Prevention and Treatment of Juvenile Delinquency, held in Addis Ababa, Ethiopia, in November 1987. It was pointed out that family dislocation through separation, divorces and death led to marginalization of its young members. Polygamy was identified by some as a contributory factor to delinquency. Most participants however maintained that polygamy per se need not contribute to delinquency except in cases where it is not properly managed and controlled. This argument could further be extended by maintaining that polygamy in the context of the traditional extended family should in fact provide the child and young persons with the required care and affection in cases of divorce, separation or death of one on both parents.

14. A study carried out by Omari in five major cities in Tanzania identified and confirmed that a number of juvenile delinquents were deprived of proper family care. (Omari 1979). A "Survey of Street Children" in selected areas in Addis Ababa conducted by the Ethiopian Ministry of Labour and Social Affairs in 1988 showed that a high proportion (55.3%) of the children came from incomplete families as compared to 39.4% who came from families still intact.

15. Another recent study of juvenile delinquency in twenty major urban centres in Ethiopia confirmed that a broken family disposes children and youth to delinquency. As indicated in Table 2, out of a total 1710 delinquent children surveyed, 903 or 52.8% came from homes whose parents had died, divorced, widowed or separated. It is interesting to note that a total of 732 or 42.8% of the delinquent children came from homes with both parents present. In these cases other reasons must explain such a high proprotion of delinquency among children who live with both parents. Interpersonal relationship within the family could be just as important in explaining the phenomenon of delinquency as physical breaks in a family structure. Tension, friction, lack of affection, loss of authority, frustrated ambitions, negative attitudes and mismanagement of discipline can break a feeling of rejection, deprivation, insecurity and inadequacy in a child, leading him/her to seek satisfaction and compensation elsewhere. Economic, environmental and other factors could also have played a part.

TABLE 2: ETHIOPIA

Parents marital status of the children

| Place | Marital status | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Live together | Both of them have died | Widowed | Divorced | Temporary separation | Separated by quarrel | Others | Total |
| Debre Zeit | 9 | - | 1 | 5 | - | - | - | 15 |
| Metu | 2 | - | 12 | 4 | - | - | - | 18 |
| Awassa | 36 | - | 27 | 12 | 9 | 7 | - | 91 |
| Dessie | 31 | - | 26 | 9 | - | - | - | 68 |
| Debre Marcos | 18 | - | 8 | 6 | 1 | 1 | - | 34 |
| Nazreth | 48 | - | 33 | 11 | 19 | 8 | - | 119 |
| Mekempte | 15 | - | 9 | 7 | - | 1 | - | 32 |
| Mekele | 10 | - | 2 | 12 | 8 | - | - | 32 |
| Arbaminch | 13 | - | 3 | 4 | 2 | 1 | 6 | 29 |
| Asmara | 92 | - | 52 | 47 | 9 | 6 | - | 206 |
| Assela | 3 | - | 1 | 2 | 2 | 1 | - | 14 |
| Condar | 4 | - | 3 | - | 1 | - | - | 8 |
| Jimma | 10 | - | 11 | 7 | 12 | 1 | - | 41 |
| Goba | 8 | - | 7 | 4 | 3 | 2 | - | 24 |
| Harrar | 54 | - | 34 | 18 | 2 | 2 | - | 110 |
| Massawa | 30 | - | 43 | 12 | 17 | 3 | - | 155 |
| Dire Dawa | 82 | - | 79 | 32 | 12 | 14 | - | 219 |
| Assab | 3 | - | 9 | 6 | - | - | - | 18 |
| Agaro | 9 | - | 16 | 7 | - | - | - | 32 |
| Addis Ababa | 200 | 14 | 108 | 80 | 21 | 16 | 6 | 445 |
| Total | 732 | 14 | 486 | 285 | 118 | 63 | 12 | 1710 |

Source: Mengesha, Juvenile Delinquency and Crime in Ethiopia, 1989

Urbanization and its impact on youth

16. According to available information based on studies carried out in different African countries, crime and delinquency are predominantly urban phenomena, especially concentrated in what are commonly referred to as primate cities. This is so even in those countries where population is mainly rural in nature.

17. Urbanization studies in many African countries show that urban areas have high population densities of diverse ethnic and cultural backgrounds and the rate of growth of the urban population in Africa has been among the highest. The urban areas are centres of industrial development, business, commerce, social services amenities and facilities, and government administration. They have been the base points of the processes of colonial rule, capitalist penetration and dependency, the diffusion of western technology and economic complex and nuclei of social conflicts. Simultaneously with the growth of urban centres has been the destruction of indigenous peasant economies, in some cases the transformation of agriculture from subsistence labour intensive farming to a partially mechanized agricutlture, and the monetization of the economy. This has led the urban areas to serve as magnets of the under-employed rural population. This in turn has led to the influx of migrants from rural to urban areas. People look to these areas as the main places where jobs, medical care, education and a new way of life could be found.

18. The influx of migrants, many of whom are young people living on their own and looking for employment, has resulted into dense population which was never planned for. This has led to the development of shanty towns, slums and squatter settlments which have become a feature of almost all cities in African countries. The physical environment of slums is characterized by very inadequate and depressing infrastructures of amenities and basic services such as housing, schools, health services, recretational facilities, water and sanitation.

19. The majority urban dwellers including the new migrants live in the shanty towns. Some of the new arrivals may be absorbed in the urban economy but for many, unemployment or underemployment becomes an aspect of life. Their survival may force them into beggary, petty thefts and other marginal activities. Many find themselves uprooted from the cultural context with which they are familiar and are exposed to radically different life situations. Their neighbourhoods are characterized by lack of or inadequate social organization consisting of families and communities in which traditional interactions are reduced. Family and community life are battered by a host of negative influences. The informal social controls of the family, community and indigenous institutions which are so important in reinforcing conduct and norms and are a countervailing pressure to delinquency, are ineffective or non-existent. Some children are abandoned by their parents or guardians who cannot afford to look after them and these are found roaming the streets begging, shoplifting, pickpocketing and otherwise surviving at the margins of society. The urban youth find themselves separated from rural social structures based on ethnic and kinship relations and at the same marginalized by their new local neighbourhoods. Their existence depends upon participation in the cash economy to which they have hardly access. Since

according to available evidence, rapid growth in urban population of African countries is attributable more to migration than to natural growth, the number of marginalized groups are on the increase. The hard conditions of urban life promote intolerance, particularly in situations where community life is no longer possible, while at the same time exposing the youths to delinquent activities.

20. In many countries in the region, there is evidence to show that urban areas are characterized by particular pockets of lawlessness, hooliganism, violence and clandestine groups engaged in numberous illicit activities. (Clifford 1974). All these have been observed to have far reaching consequences on the lives of young people living in this environment. As some studies have indicated, parents attempt to set moral examples to their offsprings, but their efforts are compromised by the hard realities of the environment whereby parents and their children have to survive in situations in which all moral standards are flouted. The children are brought up in a world turned upside down where accepted role models are either reduced or simply non-existent. Children invariably come to see those in authority as violators of all moral standards. The authority as exemplified by the police, government officials, and parents, is continously being seen indulging in unlawful activities including stealing, corruption, acts of brutality and even murder.

21. In those African countries that have experienced incidents of civil strifes, available information shows that the majority of these strifes take place or are initiated in urban areas. Invariably the youth are not only caught up in these situations as victim out they may be forced to participate actively. Of great concern though is the fact some of those young people may eventually get access to the gun and other lethal weapons. These youth know, from what they see of the adults in their environment possessing such weapons, that a gun is a significant source of power and it is a means of terrorizing and easy acquisition of desired goods, some of which may be the basic necessities of life.

22. Some studies have shown that a number of unoccupied children and youths in urban areas are exploited by experienced adult criminals who recruit them, on meagre payments, to carry out a number of unlawful activities on their behalf. The unlawful activities in which the youths recruited may include offences of breaking in houses, burglary, pickpocketing, smuggling, selling of stolen property, and in some countries, drug abuse and trafficking. Young girls are used as prostitutes by adults who collect payments. The arrangements which initially are intended to serve the interested of the adult criminals, turn out to be effective means and training ground in criminal behavior for these young people.

23. In sum, it is clear that as countries in Africa experience urbanization at very high pace, there are various forces at [illegible] play, which are interwoven with one another, making an intricate complex of factors with far reaching consequences on social institutions and ultimately on people living in urban areas. The interplay of these forces and pressures generate conditions of abject and increasing poverty, anathy and isolation, disorganization and criminalization, serious forms and patterns of inequality and exploitation, misery and moral

degradation which contribute to deterioration in the quality of urban life with negative consequences. The young people who are either born in urban areas or who migrate into these areas are confronted with situations marked with frustrations, conflicts, contradicitions, insecurity, povery, pressing needs, temptations, weakened or neutralized informal agencies of social control, blantant flouting of law and abuse of human rights all of which affect their behaviour and attitude to law and society. It is in these circumstances that delinquency had to be explained as a consequence and an integral part of the urbanisation process.

Occupational Factors

24. Industrialization in African countries has transformed the role and status of the youth in the family and immediate community. The youth has now to be viewed as a potential or actual member of the labour force. This is particularly so given the existing patterns of structural unemployment and underemployment in most African countries. Education can enhance a youth's opportunities but out of school or not in school, the youth has, at a very early age, to take his/her position in the labour force. As industrialization advances, its heavy dependence on available labour reduces. It begins to rely extensively on trained and experienced workers. The fact that non-skilled or manual jobs are not increasing in proportion to their demand makes the competition for the available jobs stiff. Furthermore, the educational systems and curricula, have in many countries remained unchanged. This has resulted in the skills imparted to be unrealistic and incongruent to those demanded for employment in the labour market. Consequently, young people are increasingly excluded from employment. At the same time, the location of industries generally in the urban areas, given the persisting urban-rural income differential, attracts young people as well as adults to migrate to the urban areas. Evidence from African population studies (ECA, African Population Studies Series No. 7) shows that the number of children and youths constitute a very high proportion of the urban population and that the large numbers of young people who migrate and stay in urban areas, live on their own. While industrialization promises great employment opportunities, the industrial and general economic development in most African countries has not kept pace with rapid population growth, particularly in urban areas. This then results in a growing number of poor, striken, unemployed youths with very limited access to cash economy which is the basis of physical survival, especially in urban environment. Many young people, caught up in such an environment and in their desperation and frustrations of failing to realize the goal of securing employment while at the same time lacking in moral guidance, easily drift into delinquency.

25. Unemployment and underemployment among youth according to available evidence seem to be on the rise in most African countries particularly in the urban centre. For example, in Zambia, it is estimated that there are some 2,[illegible],000 unemployed young people. Many of these, particularly in the urban areas, have been [illegible] to be engaged in petty trading, peddling essential commodities at inflated prices, [illegible] popularly known as the black market, in efforts to make ends meet. Most of [illegible] cities are considered illegal and those engaged in them are subject to frequent [illegible] 1989). A similar situation also exist in other cities. Cases of shoe [illegible]

parking-lot boys, begging, illegal trade in alcohol and narcotics, coupled with pickpocketing, have been reported to be on the increase in a number of African cities. What is of grave concern is that a number of these juveniles are engaged in petty trading not for themselves, but under the patronage of adults, who pay them a nominal sum for the cheap services rendered. For the girls, even though offences by them are comparatively lower than offences by their male counterparts increasing cases of prostitutions as a source of income in the urban centres give reasons for concern.

The School

26. The school has become a very important socializing institution for young people in African countries. The absence of adequate educational facilities within easy reach, particularly in the rural areas, has forced many parents to send their children to boarding schools away from their families and communities. A major part of their school life is spent within the school community, under the school authority and influence of school teachers and peers. School experience is very important in the shaping of the young person's behaviour and attitudes towards authority, society, peers and what is expected of him/her. Good experience can help in the development of a wholesome individual, while maladjustment at school can lead to general maladjustment and affect the individual's future life.

27. An analysis of the educational level of juvenile delinquents in selected countries indicated that a surprisingly high proportion of them had opportunities for schooling but had to drop out for one reason or another. As a results with little or no alternative to make ends meet, they were easily exposed to antisocial situations. Table 3 shows the educational status of respondents in the Ethiopian study. Out of the total 1,710 delinquents, 57.9% had attended primary school, 17.9% had been to junior secondary school and 5.3% to senior secondary school. The three categories together constitute 81.2% of the total group, as compared to only 14.8% illiterates (Mengesha). The study of juvenile delinquents in Lagos indicated that 43.4% of the total respondents had had 5-8 years of schooling, the same percentage had had over eight years of education while only 1.2% had only 4 years education or less (UNSDRI). A similar study of primary education, 36.9% more than eight years and only 4.5% had up to four years of schooling.

Table 3 Ethiopia

Educational Statut of the Interviewee's

| Place | Illiterats | Reading | Educational Status 1-6 | 7-8 | 9-12 | Total |
|---|---|---|---|---|---|---|
| Debre Zeit | 6 | 1 | 5 | 1 | 2 | 15 |
| Nararche | 8 | 2 | 61 | 28 | 11 | 110 |
| Metu | - | -- | 11 | 5 | 2 | 18 |
| Awassa | 3 | 2 | 63 | 16 | 2 | 91 |
| Dessie | 4 | 1 | 42 | 15 | 6 | 68 |
| Debre Marcos | 5 | - | 17 | 10 | 2 | 34 |
| Jimma | 4 | 1 | 31 | 3 | 2 | 41 |
| Dekemte | 1 | - | 23 | 6 | 2 | 32 |
| Dire Dava | 67 | 13 | 124 | 12 | 5 | 219 |
| Mekele | 6 | - | 15 | 5 | 6 | 32 |
| Nazareth | 14 | 10 | 17 | 15 | 3 | 119 |
| Arbaminch | 7 | 1 | 14 | 7 | - | 29 |
| Asmara | 42 | 12 | 114 | 33 | 5 | 206 |
| Assela | - | - | | 5 | 2 | 14 |
| Condar | -- | -- | 3 | 5 | - | 8 |
| Coba | 1 | 1 | 17 | 3 | -- | 24 |
| Nassawa | 63 | 9 | 68 | 15 | - | 155 |
| Assab | 1 | - | 9 | 7 | 1 | 18 |
| Agaro | 9 | 2 | 20 | 1 | - | 32 |
| Addis Ababa | 7 | 10 | 270 | 117 | 41 | 445 |
| Total | 294 | 68 | 930 | 307 | 91 | 1,719 |

Source: Mengesha, Juvenile Delinquency and Crime in Ethiopia, 1989

28. What do these figures tell us about the type of influence that schooling has had on these young people who later found themselves at odds with the law? The answer might be partially found in the reasons for their dropping out or discontinuing their schooling. In most known cases, especially where school fee had to be paid, financial problems was the major reason for leaving school. Aside from that however, there are reasons to believe that some young people leave school because it has failed to make an appreciable impression on them, or on their families. Out of the total 1719 respondents in the Ethiopian study, 109 reported that they had left school because they had been suspended (either for bad behaviour or for not meeting the required school standards) and the same number reported that they had quarrelled with their families (Mengesha). Reasons for not having completed school by the respondents in the Lagos study included the need to support the family (4%), difficulties with studying (5.2%), family not interested in child's schooling (1.6%), and problems with teachers (3.4%) (CESDRI). The Dakar study indicated that 4.0% of the total respondents left to support their families, 19.7% had difficulties with their studies, 4.5% reported that their families were not interested in their schooling, and 4.5% had problems with their teachers or schoolmates.

29. While these figures are not sufficient enough to draw conclusions from, they are nevertheless indicative of the fact that inspite of a relatively high proportion of young people in the three studies having had the opportunity for primary education and beyond, schooling had failed to make a positive impact on them. Strains and stresses arising from the competitive nature of the education systems, the frustration brought about by failure, coupled with the school's failure to meet the social and emotional needs of the child, the problems associated with trying to find meaningful employment at such an early age without the requisite skills, may all have combined to induce the individual youth to channel his/her energy into delinquent behaviour.

The Influence of Peer Groups

30. Besides the family and the community, a young person in any given society, at some point in his/her life, begins to interact with peer groups as part of the socialization process, and this also helps to shape his personality and character. Evidence strongly suggests that adolescents normally become concerned about acceptance by their peer groups and consequently make conscious or unconscious efforts to conform. Non-compliance with the group's expectations may result in group disapproval or even rejection which could lead the individual to respond defensively against the group, with possible destructive results. (Jenkins, 1985). It is this pressure to confirm and the fear of rejection that may induce some adolescents to join peer groups that indulge in juvenile activities, especially in communities where there are few other alternative constructive and positive activities in which adolescents could channel their energy. It has been suggested that the company of peers may lead to the formation of delinquent groups that deliberately engage in crime as leisure time activity, and that the company and influence of peers may increase the risk of the commission of offences based on the spur of the moment impulsion. There is evidence also to suggest that in addition to the type of peer group adolescents socialise with, the amount of leisure time they have at hand and the way they spend it is one of the intervening variables which account for the extent of juvenile social maladustment (UNSDRI).

31. It must be emphasized however that, given the opportunity for creative activity, the number of youngsters who loiter is relatively smaller than the number which participate in constructive organized activities such as sports, cultural and other recreational activities, in addition to helping in the homes and communities. Indeed, associations of young people in company of their peers, often in sexually homogeneous groups, may reflect their positive reaction to existing inadequacies or failures on the part of their communities and authorities to make provisions for them for properly organized youth activities. In some neighbourhoods, because of over congestion and lack of planning, young people have to roam to places where there is space to breath and have amusement. These groups may form a framework for the type of behaviour that stem from extremely hard living conditions.

32. The mass media has also been cited in some cases to have detrimental influence on young people, although concrete evidence on the extent of its influence is yet to documented. In reading magazines, listening to radio programmes and

watching films in cinema hall and on television, it is easy for adolescents to identify themselves with certain characters and hero-worship them. Bruce Lee is such an example. It has been reported that some youngsters, in trying to imitate Bruce Lees karate and judo expertise, have ended up in a serious fights with their peers. (Omari). In additions to hero-worshipping, the temptation for pick-pocketing and begging becomes even greater for one to obtain the required money to see the latest such films in town.

THE NATURE AND EXTENT OF JUVENILE DELINQUENCY AND CRIMINALITY

33. In accordance with available information and data, it is not always easy to determine with certainity the extent of juvenile delinquency and criminality in a given country. There are several delinquent behaviour cases that go unnoticed and unrecorded. Also, a high proportion of delinquent behaviour is dealt with within the home, community and school without being brought to the attention of the law enforcement authority. The nature of the offence is also influenced by a number of variables such as society's perception of the offence, the standrrd official classifications of offences as stipulated by the penal code of a given country, the age of the juvenile offender and in some cases, ihe sex of the offender, and the individual.

34. The Seminar on the prevention and Treatment of Juvenile Delinquency indentified the following offences as among the most frequently committed by juveniles: offences against property, offences against persons, offences against morality, vagabondry, begging, drug use and abuse, swindling and abuse of confidence. In terms of frequency, the seminar identified offences against property as the most frequently committed, followed by offences against persons, against morality, vegabondry, begging, drug abuse, swindling and abuse of confidence in that order.

35. The Zambia study on the nature of offences committed by juvenile delinquents during the period 1971-87 indicated the preponderance of crime against property, followed by crime against persons. As indicated in Table 4, during that period, offences against property totalled 11,206 out of total 13,743 offences, as compared to only 1,938 offences against the person. Out of 11,206 total offences against property, theft was the most commmn (7059 cases), constitution 63% of the total reqprted cases in that category. The Ethiopian study also concluded that theft was the most common offence and was more frequent in big cities than in small ones. As indicated by the figures in Table 5, out of a total number of 1,710 cases interviewed, 1,090 cases, almost 63.7%, were involved in theft, fraud, or a combination of theft with physical violence or fraud. Physical violence alone and killing accounted for only 294 cases or 17.1% of the total cases (Mengesha 1989).

TABLE 4: ZAMBIA

JUVENILE DELINQUENCY : NATURE OF OFFENCES COMMITTED (1971-1987)

| OFFENCES COMMITTED | PERIOD | | | | | | | | | | | | | | | | | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1971 | '72 | '73 | '74 | '75 | '76 | '77 | '78 | '79 | '80 | '81 | '82 | '83 | '84 | '85 | '86 | '87 | |
| 1. OFFENCESAGAINST PUBLIC ORDER | | | | | | | | | | | | | | | | | | |
| Affray | 3 | 5 | 1 | 3 | 15 | 2 | 4 | - | 1 | - | - | - | - | - | - | - | - | 34 |
| Conduct leading to breach of peace | - | - | 1 | 1 | - | 1 | - | - | - | 1 | - | - | - | - | - | - | - | 4 |
| Total | | | | | | | | | | | | | | | | | | 38 |
| 2. OFFENCES AGAINST ADMINISTRATION OF LAWFUL AUTHORITY | | | | | | | | | | | | | | | | | | |
| Escape from lawful custody | 9 | 25 | 19 | 25 | 36 | 11 | 33 | 6 | 17 | 4 | 4 | 8 | 15 | 18 | 9 | 9 | 11 | 259 |
| Failure to comply with probation order | - | - | - | 3 | - | 4 | - | - | 1 | 3 | - | - | - | - | - | - | - | 11 |
| Smuggling | - | - | - | - | - | - | - | - | - | - | - | - | - | 1 | - | - | - | 1 |
| Evading price control | - | - | - | - | - | - | 34 | - | - | - | 3 | 1 | - | 1 | - | - | - | 39 |
| Total | | | | | | | | | | | | | | | | | | 310 |
| 3. OFFENCES INJURIOUS TO THE PUBLIC IN GENERAL | | | | | | | | | | | | | | | | | | |
| Possession of "dagga" (drugs) | 8 | 8 | 15 | 9 | 8 | 5 | 4 | 9 | 8 | 10 | 6 | 3 | 10 | 4 | 4 | 5 | 3 | 119 |

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TABLE 4: ZAMBIA
(cont'd...)

| | 1971 | '72 | '73 | '74 | '75 | '76 | '77 | '78 | '79 | '80 | '81 | '82 | '83 | '84 | '85 | '86 | '87 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Defilement | 1 | 3 | 2 | 4 | 4 | 7 | 8 | - | - | 1 | - | 2 | 6 | - | 5 | 5 | - |
| Obtaining goods by false pretences | - | - | - | 3 | 2 | 1 | 2 | 7 | - | 6 | - | - | - | - | | | |
| Drunken & Disorderly | 14 | 7 | 1 | 2 | 1 | 3 | 1 | - | 1 | - | - | - | - | - | - | - | - |
| Possession of dangerous weapon | - | 1 | 3 | - | - | - | - | - | 1 | - | - | - | - | - | - | - | - |
| Threatening violence | 1 1 | 1 | - | 2 | - | - | - | - | - | - | - | - | - | - | 2 | - | 3 |
| Prostitution | - | - | - | 2 | - | 2 | - | - | - | - | - | - | - | - | - | - | - |
| Total | | | | | | | | | | | | | | | | | |
| V. OFFENCES AGAINST THE PERSON | | | | | | | | | | | | | | | | | |
| Assault | - | 23 | 82 | 102 | - | 73 | 29 | 84 | 79 | 99 | 74 | - | 55 | 20 | 57 | 64 | 41 |
| Assault (Common) | | - | - | - | - | - | - | 17 | - | - | - | 83 | 11 | - | 9 | 16 | 24 |
| Indecent assault | - | q - | - | - | 10 | 10 | 5 | 6 | 5 | 6 | 6 | 7 | - | 3 | 9 | 13 | - |
| Attempted rape | 1 | 1 | - | - | - | - | 1 | - | - | - | 5 | 4 | - | 6 | - | - | - |
| Unlawful wounding wounding | 103 | 25 | 21 | 43 | 36 | 35 | 20 | 15 | 17 | 15 | 19 | 20 | 10 | 11 | 13 | 10 | 5 |
| Manslaughter | - | 3 | 3 | 6 | 3 | 7 | 2 | 8 | 1 | - | 3 | 3 | 1 | - | 1 | 1 | 2 |
| Murder | - | - | 1 | 4 | 1 | 1 | 1q | - | - | - | - | 2 | 1 | - | 2 | - | 1 |
| Attempted Infanticide | 1 | - | - | 2 | - | 1 | 1 | - | - | - | - | - | - | - | - | - | - |
| Concealing birth of child | 2 | - | - | 1 | - | 2 | 1 | - | 1 | 2 | 2 | - | - | - | - | - | 1 |
| Rape | 1 | 2 | 5 | - | - | 2 | - | 2 | 9 | - | - | 5 | - | 2 | 5 | 1 | 34 |

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TABLE 4. ZAMBIA
(cont'd...)

| | 1971 | '72 | '73 | '74 | '75 | '76 | '77 | '78 | '79 | '80 | '81 | '82 | '83 | '84 | '85 | '86 | '87 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Arson | - | - | - | 2 | 1 | - | 1 | - | - | - | - | - | - | - | 1 | - | - | 5 |
| Attempted theft | - | - | - | - | 2 | - | - | - | - | - | - | - | - | - | - | - | - | 2 |
| Breaking with intent to make felony | - | - | - | - | - | 9 | 6 | 3 | - | 1 | - | - | - | 7 | - | 4 | 2 | 37 |
| Possession of stolen goods | 35 | 14 | - | 11 | 15 | 50 | 33 | 12 | 27 | 4 | 12 | 12 | 8 | 7 | 16 | 22 | 11 | 200 |
| Theft of motorvehicle | - | - | - | 1 | 3 | 4 | 11 | - | 6 | 10 | 6 | 1 | 5 | 1 | 10 | 4 | - | 74 |
| Interfering with motor vehicle | - | - | - | 1 | 3 | 1 | 1 | - | - | - | - | - | - | - | - | - | - | 6 |
| Malicious damage to property | 10 | 6 | 11 | 25 | 8 | 50 | 11 | 10 | 11 | 9 | 25 | 3 | - | 3 | 15 | 9 | 12 | 224 |
| Theft from motorvehicle | - | - | - | 4 | 8 | 1 | 14 | 21 | 7 | 8 | - | 13 | 9 | - | 2 | 20 | 12 | 119 |
| Storebreaking | - | - | - | - | - | - | 3 | - | - | - | - | - | - | - | - | 30 | - | 33 |
| Stock theft | - | - | 1 | 6 | 1 | - | 3 | - | - | - | - | - | - | - | - | 3 | 2 | 23 |
| Office breaking | - | - | - | - | | 7 | 1 | - | - | 13 | - | - | 0 | 20 | 12 | 8 | 15 | 92 |
| Injuring a Cow | - | - | - | - | - | - | 1 | - | - | - | - | - | - | - | - | - | - | 1 |
| Criminal Trespass | - | - | 1 | 7 | 4 | - | 2 | - | - | 1 | - | - | - | - | 4 | 1 | 7 | 27 |
| Total | | | | | | | | | | | | | | | | | | 11,206 |
| GRAND TOTAL (all offences) | | | | | | | | | | | | | | | | | | 13,743 |

SOURCE: Matati, Juvenile Delinquency in Zambia, 1989

TABLE 5 ETHIOPIA

Types of offences committed

| Place | Theft | Fraud | Physical violence | Theft & Physical Violence | Killing | Theft & fraud | Other | Unknown | Total |
|---|---|---|---|---|---|---|---|---|---|
| Debre Zeit | 4 | 1 | 5 | - | 1 | - | 4 | - | 15 |
| Hararghe | 33 | 0 | 30 | 2 | 5 | 5 | 25 | - | 110 |
| Metu | 10 | 1 | 2 | 1 | - | - | 4 | - | 18 |
| Awassa | 39 | 9 | 1 | 5 | 13 | 3 | 10 | 11 | 91 |
| Dessie | 9 | 21 | 6 | 6 | 5 | 8 | 13 | - | 68 |
| Debre Marcos | 17 | - | 1 | 1 | 1 | - | 14 | - | 34 |
| Jimma | 14 | 12 | 4 | 1 | - | - | 6 | 4 | 41 |
| Mekempte | 6 | 3 | 10 | 1 | - | 6 | 6 | - | 32 |
| Dire Dawa | 39 | 20 | 55 | 25 | 25 | 33 | 24 | 1 | 212 |
| Mekele | 10 | 2 | 3 | 1 | - | 3 | 2 | - | 21 |
| Nazareth | 57 | 6 | 20 | 2 | 3 | 1 | 28 | - | 117 |
| Arbaminch | 8 | 6 | 8 | 2 | - | 1 | 4 | - | 29 |
| Asmara | 123 | 14 | 13 | 16 | - | 4 | 2 | 29 | 201 |
| Assela | 3 | - | 2 | - | - | - | 6 | 3 | 74 |
| Gondar | 4 | - | 1 | - | - | - | 3 | - | 8 |
| Goba | 9 | 3 | 4 | - | 4 | - | 4 | - | 24 |
| Massawa | 27 | 33 | 12 | 2 | - | 5 | 5 | 7 | 155 |
| Assab | 18 | - | 1 | - | - | - | 1 | - | 19 |
| Agaro | 8 | 14 | 3 | 1 | - | - | 5 | 1 | 32 |
| Addis Ababa | 228 | 39 | 49 | 47 | 4 | 41 | 25 | 1 | 445 |
| Total | 675 | 192 | 232 | 113 | 62 | 110 | 139 | 137 | 1768 |

SOURCE: Menpesha, Juvenile Delinquency and Crime in Ethiopia, 1989

36. A study conducted by the International Criminal Police Organization (INTERPOL) on trends in juvenile delinquency and anti-social behaviour, covering the period between 1978 to 1981, also seemed to conclude that theft and other offences against property including vandalism, featured highest among a list of offences committed by juveniles in various countries. For the three African countries included in the study, namely Burkina-Faso, Morocco and the Seychelles, the figures indicated a similar trends. In Morocco, theft, including motor vehicle theft ranked highest, followed by such offences as vagrancy, running away from home, assault causing minor injuries and assault causing serious injuries. Such offences as rape and attempted rape, murder and attempted murder, extortion, prostitution, and public drunkenness, ranked low in frequency even though they were reported to occur (INTERPOL, 1984).

37. During the same period (1978-1981), the Seychelles, an island with an estimated population of only 64,000 (1981 figures) inhabitants, reported the following offences as having been committed by juveniles between the age of 7 and 18 years of age, in their order of frequency: simple or minor theft (168 cases), gambling (114), house breaking (107), assault causing minor injuries (67), and assault causing serious injuries (47) (INTERPOL, 1984). Attempted murder and murder accounted for only a negligible proportion of the delinquent cases reported. The small number of total cases of delinquency is, of course directly related to the small population of the country. Of some concern however, is the high proportion of minors involved in gambling, reflecting perhaps the type of economic activity available for the adult population, to which young people are lured for economic reasons.

38. In Burkina Faso, reported offences by juveniles between the ages of 6 and 18 years included theft, assault - both minor and serious, vandalism, vagrancy, running away from home, receiving stolen goods, and other minor offences. Again, theft ranked highest in frequency. Of some concern is the fact that out of the total number of 114 assault cases reported to have been committed by minors between 1978 and 1981, the number of assaults causing serious injuries exceeded those causing minor injuries. For example in 1981, there were 37 serious cases compared to only 7 minor cases of assault (INTERPOL). One cannot of course draw any conclusions from such small figures, but if such were to be the trend, then there would be reasons for grave concern.

39. Studies carried out in 1979 in five major urban centres in Tanzania by Omari also indicated that theft featured highest in frequency among offences committed by minors, as appears in Table 6. Other offences included house breaking to steal, assault and fighting, vagabondry, taking of drugs and a locally-brewed alcohol called <u>moshi</u>, sex-offences, illegal trading, driving without a license and leaving the country illegally.

Table 6: Tanzania

Type of Offences Committed in 1977-78

| City | Theft | House Breaking and Theft | Assault/ Fighting | Vagabondry | Drugs/ Alcohol | Sex Offences | Other Offences | Total |
|---|---|---|---|---|---|---|---|---|
| Dar-es-Salaam | 112 | 46 | 45 | 10 | 6 | - | 38 | 257 |
| Mbeya | 181 | 63 | 35 | 26 | 7 | - | 48 | 360 |
| Mwanza | 70 | 8 | 20 | 46 | 12 | 1 | 21 | 178 |
| Total | 363 | 117 | 100 | 82 | 25 | 1 | 107 | 795 |

Source: Figures extracted from Omari, Report of Research on Juvenile Delinquents in Dar-es-Salaam, Mbeya, Mwanza, Moshi and Tanga, 1979.

40. In Algeria the number of juvenile offenders sentenced between 1982 and 1986 were as follows:

Table 7

| | |
|---|---|
| 1982 | 11,451 |
| 1983 | 11,666 |
| 1984 | 10,729 |
| 1985 | 10,130 |
| 1986 | 10,735 |
| Total | 54,711 |

Source: Algeria report presented to the Seminar on the Prevention and Treatment of Juvenile Delinquency in the context of development, Addis Ababa, November 1987.

41. During the same period the number of juveniles detained totalled 4,091 cases, 37.25% of whom were boys and 12.75% were girls. This number is broken down by years as follows:

Table 8

| | |
|---|---|
| 1982 | 908 |
| 1983 | 866 |
| 1984 | 737 |
| 1985 | 794 |
| 1986 | 786 |
| Total | 4,091 |

Source: Ibid., Nov. 1987

42. Again, infractions against property, especially theft, constituted 50.62% of the total cases, followed in magnititude by offences against persons and against morality. (Algeria report). As in the case of other countries, juvenile delinquency in Algeria is essentially an urban phenomenon. Of the total cases sentenced during the period 1982-86, close to 80% came from the urban centres, with the highest number of delinquents, 10% of the total cases, originating from the capital city, Algiers. The number of cases tend to decrease as the size of the urban centre gets smaller (Algeria Report).

43. Data for Madagascar (see Table 9) indicated that offences by minors brought before the juvenile court in 1979, 1982 and 1983, included theft, offences against property, assault, homicide, abuse of confidence and swindling. Once more, cases of theft ranked highest in number. Antananarive, the largest urban centre, had the highest number of cases in each category of offence, confirming the findings of the other studies that the bigger the urban centre, the higher the number of delinquent offences.

TABLE 9 : MADAGASCAR

NATURE DES AFFAIRES JUGEES DEVANT
LES TRIBUNAUX POUR ENFANTS

EN 1979

| JURIDICTIONS | AFFAIRES DE MOEURS | HOMICIDES ET BLESSURES INVOLONTAIRES | COUPS ET BLESSURES VOLONTAIRES | V O L S | ABUS DE CONFIANCE | ESCROQUERIE | DELITS CONTRE LES PREFETTES | DETOURNEMENTS CORRECTIONNELS | FAUX FRAUDES FALSIFICATIONS | CHANTAGE | AUTRE DELITS | T O T A L |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Antananarivo | 6 | 6 | 144 | 158 | 1 | 1 | 2 | 4 | 2 | 2 | 3 | 343 |
| Mahajanga | - | 3 | 16 | 19 | | | | | | 4 | 7 | |
| Toamasina | 3 | 8 | 74 | 53 | 2 | - | 2 | - | 2 | 3 | 12 | 51 |
| Fianarantsoa | - | 5 | 22 | 27 | 1 | - | 1 | - | - | - | - | 159 |
| Toliary | - | - | 4 | 8 | - | - | - | - | - | 1 | - | 13 |
| Antsiranana | - | - | 8 | 7 | - | - | - | - | - | - | 6 | 28 |
| Total | | | | | | | | | | | | 648 |

EN 1982

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Antananarivo | 11 | 5 | 174 | 304 | 4 | - | | 2 | | 7 | 10 | 523 |
| Mahajanga | 3 | - | 32 | | 19 | | | | | | 1 | 56 |
| Toamasina | 1 | 4 | 21 | 34 | | | 1 | | | | 7 | 68 |
| Fianarantsoa | 1 | 1 | 20 | 29 | 1 | | | | | | 2 | 54 |
| Toliary | | 1 | 1 | 6 | 1 | | | | | | | 9 |
| Antsiranana | | | | 13 | 16 | | | | | | | 29 |
| Total | | | | | | | | | | | | 739 |

EN 1983

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Antananarivo | 5 | 7 | 222 | 374 | 5 | 3 | 1 | | | 6 | 15 | 638 |
| Antsiranana | 6 | | 31 | 38 | | 1 | | | | | | 76 |
| Toamasina | | 1 | 34 | 35 | | | 1 | | | | 6 | 58 |
| Fianarantsoa | | 2 | 12 | 35 | | | 1 | | | | 88 | 74 |
| Mahajanga | 4 | | 37 | 23 | 3 | | | | 5 | 5 | 2 | |
| Toliary | | 2 | 6 | 6 | | | | | | | 1 | 15 |
| Total | | | | | | | | | | | | 939 |

44. Data for Senegal for the years 1970, 1975, 1980 and 1985 also indicated a consistent preponderance of theft cases. In addition, available information also suggest that cases of drug abuse and alcoholism among juveniles in 1983 tripled the figures for 1970, clearly suggesting that this new phenomenon is increasingly becoming as juvenile problem in some African countries. Increasing involvement by young people in drug abuse and trafficking was expressed as a major concern by several representatives of African countries attending the first meeting of Heads of National Drug Law Enforcement Agencies held in Addis Ababa in 1987. Young people are increasingly using drugs and psychotropic substances. They are also being used as courters in the increasing problem of illicit drug trafficking in the region.

45. There are indications also that age determines the nature, extent and seriousness of the offences committed by juveniles. The Zambia study points out that there is a concentration of juvenile delinquency in the age group between 12-18 years. Besides being the age of adolescence, this age range also includes most of the school leavers and drop-outs, as well as the unemployed youth. As indicated in Table 10, cases of delinquency seem to increase with age in Zambia, with a dramatic rise starting at age 15 onwards. The Ethiopia study also revealed that the number of delinquent juveniles is higher in the age ranges 14-15 than in the lower age groups, (see Table 11). High incidences of delinquency among older adolescent juveniles can also be confirmed by data from Algeria, as indicated in Table 12, for the period 1982 to 1986. For example, during that period, offences committed by juveniles below 13 years of age constituted only 14% of the total offences. Cases rose dramatically among the age range of 13 to 16 years, constituting 34% and continued to rise to 52% of the total number of cases among the age range of 16 to 18 years.

TABLE 10: ZAMBIA

Juvenile Offenders : by Nature of Offences and Ages of Offenders (1986)

| Nature of Offences | Ages | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | TOTAL |
| Proposing or threatening violence | - | - | - | - | - | - | - | - | - | - | - | 1 |
| Escape from lawful custody | - | - | - | - | - | 2 | 2 | 3 | 3 | 5 | 6 | 21 |
| Offences injurious to public in general | - | - | - | - | - | - | 1 | - | - | 2 | - | 3 |
| Indecent assault on a female | - | - | - | - | - | - | 3 | - | 1 | 2 | 2 | 8 |
| Offences against the person | - | - | - | - | - | - | - | - | 1 | 1 | - | 2 |
| Assault OAPB | - | - | - | - | 1 | - | 4 | 6 | 17 | 26 | 42 | 96 |
| Unlawful wounding | - | - | - | - | - | - | - | 2 | 7 | 4 | 3 | 16 |
| Burglary | - | - | - | 1 | - | 4 | 7 | 12 | 31 | 40 | 107 | 202 |
| House breaking | - | - | - | - | - | 3 | 6 | 11 | 23 | 17 | 28 | 88 |
| Other breakings | - | - | - | - | 4 | 2 | 4 | 9 | 20 | 22 | 24 | 82 |
| Stealing by clerk, servant or agent | - | - | - | - | 2 | 5 | 6 | 12 | 24 | 14 | 27 | 90 |
| Theft | - | - | - | - | 2 | 5 | 6 | 13 | 26 | 17 | 28 | 97 |
| Theft from person | - | - | - | 1 | - | 1 | 1 | 3 | - | 7 | 50 | 63 |
| Robbery | - | - | - | - | - | - | - | - | 4 | 5 | 11 | 20 |
| Malicious injury to property | - | - | - | - | - | - | - | - | - | 1 | - | 1 |
| Malicious damage | - | - | - | - | - | - | - | 1 | 3 | 4 | 5 | 13 |
| Dangerous drugs Act | - | - | - | - | - | - | - | 1 | 3 | 2 | 2 | 6 |
| Immigration and deportation act | - | - | - | - | - | - | - | - | - | - | 3 | 4 |
| Fauna conservation | - | - | - | - | - | - | - | 1 | 1 | 1 | 5 | 8 |
| Stock theft | - | - | - | - | 1 | - | - | 1 | 1 | 3 | 4 | 10 |

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TABLE 10: ZAMBIA
(cont'd...)

| | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rape | - | - | - | - | - | - | 1 | 1 | 2 | 1 | 1 | 18 |
| Offences under other laws | - | - | - | - | - | - | - | 1 | 7 | 5 | 5 | 17 |
| Obtaining by false pretences | - | - | - | - | - | - | - | 1 | 7 | 5 | 4 | 17 |
| Theft of motor vehicle | - | - | - | - | - | - | - | 1 | - | - | 1 | 2 |
| Firearm act | - | - | - | - | - | - | - | 2 | - | 2 | 4 | 8 |
| Local government act | - | - | - | - | - | 2 | 1 | - | 2 | 4 | 4 | 10 |
| Offences relating to property | - | - | - | - | 1 | 1 | 1 | 3 | 6 | 4 | 10 | 26 |
| Offences against public order | - | - | - | - | - | - | - | 1 | 1 | 2 | 1 | 5 |
| Preservation of public security - | - | - | - | -- | | - | - | - | - | 1 | - | 1 |
| Drunk and disorderly | - | - | - | - | - | 1 | 1 | - | 15 | 10 | 22 | 49 |
| TOTAL | - | - | - | 2 | 8 | 26 | 45 | 85 | 203 | 206 | 399 | 373 |

SOURCE: Zambia Police Annual Report (1986), as quoted by Katati in Juvenile Delinquency in Zambia.

Table 11: Ethiopia

Number of delinquents by age range

| Town | Age | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 9 | 10 | 11 | 12 | 13 | 14 | 15 | Total |
| Debre Zeit | - | - | - | - | - | 5 | 10 | 15 |
| Hararghe | 1 | 3 | 5 | 6 | 10 | 37 | 48 | 110 |
| Metu | - | - | - | 3 | - | 5 | 10 | 18 |
| Awassa | 2 | 5 | 17 | 26 | 19 | 25 | 8 | 91 |
| Dessie | 2 | 3 | 7 | 6 | 11 | 17 | 22 | 68 |
| D. Marcos | 1 | - | 7 | 5 | 6 | 7 | 8 | 34 |
| Jimma | 1 | 3 | 4 | 7 | 5 | 15 | 6 | 41 |
| Nekempte | 1 | - | 5 | 8 | 8 | 10 | - | 32 |
| Dire Dawa | 18 | 25 | 6 | 42 | 42 | 40 | 46 | 219 |
| Mekele | - | 2 | 2 | 6 | 5 | 11 | 6 | 32 |
| Nazareth | 9 | 7 | 17 | 20 | 26 | 40 | - | 119 |
| Arbaminch | - | 2 | 4 | 8 | 7 | 5 | 3 | 29 |
| Asmara | 3 | 9 | 11 | 30 | 45 | 55 | 53 | 206 |
| Assela | - | - | 1 | 5 | 4 | 4 | - | 14 |
| Gondar | 1 | 1 | - | - | - | 1 | 5 | 8 |
| Goba | 1 | 1 | 2 | 1 | 2 | 10 | 7 | 24 |
| Massawa | 1 | 12 | 24 | 34 | 36 | 39 | 9 | 155 |
| Assab | - | - | - | - | - | 6 | 12 | 18 |
| Agaro | 3 | 4 | 2 | 11 | 5 | 4 | 3 | 32 |
| Addis Ababa | 3 | 7 | 18 | 60 | 96 | 156 | 105 | 445 |
| Total | 47 | 84 | 125 | 273 | 317 | 494 | 357 | 1,710 |

Source: Mengesha, Juvenile Delinquency and Crime in Ethiopia, 1989.

Table 12. Algeria

Repartition suivant l'age des mineurs juges %

| Annee | Moins de 13 ans | Entre 13 et 16 ans | Entre 16 et 18 ans |
|---|---|---|---|
| 1982 | 15.91 | 30.73 | 53-36 |
| 1983 | 15.11 | 35.77 | 51.11 |
| 1984 | 15.42 | 33.15 | 49.53 |
| 1985 | 12.23 | 35.05 | 52.60 |
| 1986 | 11.44 | 35.37 | 52.69 |
| Total | 14.02 | 34.01 | 51.97 |

Source: Algeria Report to the Seminar on the Prevention and Treatment of Juvenile Delinquency in the context of development, Addis Ababa, November 1987.

46. The study on juvenile delinquency in Tanzania revealed that the most problematic age group ranges between 15 to 16 years, the stage at which a large number of primary school youths complete primary education or drop-out for one reason or another. The Tanzania study also emphasized that there seems to be little difference between frequency of delinquency among primary school leavers and drop-outs on the one hand and those youth who have never been to school at all. According to this study family history and situation and its influence on the child during his early stage of development offer a better explanation in this age group than the difference in education (Omari).

47. Differences in rates of delinquency between the sexes have also been noted. Generally, females constitute a much smaller proportion of total delinquents in a given country and situation. A study of delinquency in Dakar, releveated that female offenders constituted on 9% of the total cases committed for treatment and this low rate was explained in terms of the strict upbringing of females as well as the absence of residential treatment facilities for them (UNSDRI 1984). A similar study in Lagos also indicated that the socialization process in sex roles was different for males and females. Girls were expected to help with domestic and market chores much more than boys, thus keeping them closer to home most of the time, under the watchful eyes of adults. This helped to explain the generally low incidence of juvenile social maladjustment among females than males (UNSDRI 1984). Similar findings were made by the Ethiopian and Tanzanian study, in this connection.

THE TREATMENT OF JUVENILE OFFENDERS

48. The method and facilities for the treatment of juvenile offenders vary from one country to another, with varying degrees of success. Unfortunately, information and data for this report was available for only Zambia, Ethiopia and Uganda. An attempt has been made to summarizes the experience of each country on a case by case basis as follows:

Zambia

49. Statutory provisions for the treatment of juvenile offenders are contained in the Probation of Offenders Act (Cap. 147) and the Juveniles Act (Cap. 217). The latter Act also provides for the custody and protection of juveniles in need of care. Under the provisions of the two Acts, the Commissioner for Social Development has been appointed as Principal Probation Officer and Commissioner for Juvenile Welfare respectively, while other officers in the Department are appointed as senior probation officers, probation officers and juveniles inspectors respectively. Under these provisions, these officers possess wide powers in relation to the correction and rehabilitation of juvenile offenders and to the custody and protection of juveniles in need of care.

50. Juvenile courts in the Zambian context, are the same magistrates courts that deal with adult offenders using the same buildings and personnel. However, when these courts sit as juvenile courts to deal with juvenile offenders, the buildings are cleared of all persons except those directly connected with the proceedings, such as the juveniles parents, relatives, guardians, the police and social workers. The idea of providing separate buildings and personnel for juvenile courts has been discussed and recommended in various fora, but implementation has been rendered difficult by lack of financial, material and personnel resources. It should also be pointed out that with regard to offences for which juveniles are arrested, charged and prosecuted, these are the same offences which apply to adults and are contained in the Penal Code (Cap. 146).

51. The Juveniles Act provides juvenile courts with a wide range of alternatives for dealing with juvenile offenders. Section 73 of the Act stipulates that "where a juvenile charged with any offence is tried by any court, and the court is satisfied of his guilt, the court shall take into consideration the manner in which, under the provisions of this or any other written law, the case could be dealt with by:

(a) dismissing the charge;
(b) making a probation order for the offender;
(c) sending the offender to an approved school;
(d) sending the offender to a reformatory;
(e) causing the offender to be caned;
(f) ordering the offender to pay a fine, damages or costs;
(g) ordering the parent or guardian of the offender to pay a fine, damages or costs;
(h) ordering the parent or guardian to give security for good behaviour;
(i) where the offender is a young person, by sentencing him to imprisonment;
(j) dealing with the case in any other manner in which it may legally be dealt with.

Section 64(7) of the Act emphasises that whatever action is taken must be "in the best interests of the juvenile".

52. Table 12 provides statistical information on the modes of disposal employed by the juvenile courts in Zambia in respect of juvenile offenders, in accordance with the wide range of alternatives and discretionary powers at their disposal. It is worthwhile to briefly outline the major disposal methods utilized.

Caning

53. As clearly reflected in Tables 13 and 14, caning represents by far the most popular method employed by juvenile courts in Zambia, accounting for as much as 57.2% of all disposal methods in 1971 and an average of 46.5%.

TABLE 13: ZAMBIA

| Modes of Disposal | 1971 | '72 | '73 | '74 |
|---|---|---|---|---|
| Probation | 180 | 184 | 250 | 253 |
| Approved school | 51 | 56 | 65 | 89 |
| Reformatory school | 25 | 39 | 33 | 72 |
| Reformatory school | 25 | 39 | 410 | 505 |
| Caning | 606 | 487 | 410 | 505 |
| Fine | 32 | 21 | 38 | 29 |
| Imprisonment | 27 | 35 | 41 | 58 |
| Conditional discharge | - | 99 | 94 | 105 |
| Absolute discharge | - | 41 | 63 | 50 |
| Discharges (Conditional and absolute) | 118 | - | - | - |
| Suspended sentence | - | - | - | 16 |
| Acquittal | - | - | 2 | - |
| Extra penal employment | 1 | - | - | - |
| Detained in hospital at president's pleasure | 1 | - | - | - |
| Supervision | 2 | - | - | - |
| No. Court order (charges either withdrawn or accused absconded) | 13 | - | - | - |
| Court order not indicated | 3 | - | - | - |
| Deported | - | - | - | 3 |
| Discharge | - | - | - | - |
| Pending court orders | - | - | - | - |
| Charge withdrawn | - | - | - | - |
| Ordered back to approved school | - | - | - | - |
| Others | - | - | - | 20 |
| Charge dismissed | - | - | - | - |
| Committed to high court | - | - | - | - |

- Juvenile Delinquency: Modes of Disposal (1971-1987)

| '75 | '76 | '77 | '78 | '79 | '80 | '81' | '82 | '83 | '84 | '85 | '86 | '87 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 210 | 245 | 184 | 169 | 137 | 99 | 130 | 139 | 104 | 92 | 164 | 84 | 68 | 2,722 |
| 69 | 47 | 55 | 67 | 34 | 51 | 39 | 27 | 38 | 61 | 58 | 52 | 37 | |
| 59 | 54 | 31 | 51 | 21 | 37 | 35 | 33 | 27 | 24 | 53 | 58 | 23 | 896 |
| 584 | 595 | 467 | 475 | 478 | 361 | 409 | 330 | 247 | 206 | 314 | 330 | 226 | 7,030 |
| 584 | 595 | 468 | 475 | 478 | 361 | 409 | 330 | 247 | 206 | 314 | 330 | 226 | 7,030 |
| 46 | 100 | 62 | 42 | 38 | 35 | 33 | 19 | 26 | 89 | 37 | 51 | 28 | 726 |
| 40 | 45 | 21 | 20 | 22 | 19 | 26 | 34 | 21 | 18 | 11 | 17 | 16 | 471 |
| 82 | 92 | 60 | 86 | 64 | 57 | 42 | 46 | 22 | 34 | 35 | 35 | 49 | 1,000 |
| 53 | 63 | 58 | 47 | 48 | 47 | 45 | 42 | 41 | 35 | 47 | 9 | 37 | 726 |
| - | - | - | - | - | - | - | - | - | - | - | - | - | 9 |
| 4 | 22 | 4 | - | 10 | 3 | 6 | 20 | 5 | 9 | 8 | 16 | 10 | 133 |
| - | - | 6 | 12 | 1 | 2 | 1 | - | 4 | 1 | - | 2 | 3 | 34 |
| - | - | - | - | - | - | - | - | - | - | - | - | - | 1 |
| - | - | - | - | - | - | - | - | - | - | - | - | - | - |
| - | - | - | - | - | - | - | - | - | - | - | - | - | 2 |
| - | - | - | - | - | - | - | - | - | - | - | - | - | 13 |
| - | - | - | - | - | - | - | - | - | - | - | - | - | 3 |
| - | - | - | - | - | - | - | - | - | - | - | - | - | 3 |
| 20 | - | - | - | - | - | - | - | - | - | 6 | - | - | 26 |
| - | - | - | - | - | - | - | - | - | - | - | - | 43 | 43 |
| - | - | 8 | - | - | 3 | 11 | - | 4 | 6 | 4 | 1 | 13 | 50 |
| - | - | 27 | - | - | - | - | - | - | - | - | - | - | 27 |
| 40 | 70 | - | - | 11 | 17 | 7 | 17 | 10 | 31 | 1 | 3 | - | 227 |
| - | - | - | - | 9 | 5 | - | - | 2 | - | 16 | 6 | - | 38 |
| - | - | - | - | - | 7 | - | - | - | - | - | - | - | 38 |

TABLE 13 : ZAMBIA
(cont'd...)

| MODES OF DISPOSAL | 1971 | '72 | '73 | '74 | '75 | '76 | '77 | ' |
|---|---|---|---|---|---|---|---|---|
| Parents to give security | - | - | - | - | - | - | - | |
| Repreriated to village | - | - | - | - | - | - | - | |
| Escaped while on bail | - | - | - | - | - | - | 6 | |
| Cases transfered disposed of | - | - | - | - | - | - | 60 | |
| Cases transfered to another district o | - | - | - | - | - | - | 1 | |
| TOTALS | 1059 | 962 | 996 | 1200 | 1207 | 1333 | 1066 | 9 |

SOURCE: Department of Social Development Annual reports

| '78 | '79 | '80 | '81 | '82 | '83 | '84 | '85 | '86 | '87 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|
| - | - | 7 | - | 5 | - | - | 4 | 6 | 12 | 27 |
| - | - | - | - | 5 | - | - | - | - | - | 3 |
| - | - | - | - | 1 | - | - | - | - | - | 7 |
| - | - | - | - | - | - | - | - | - | - | 50 |
| - | - | - | - | - | - | - | - | - | - | 1 |
| 69 | 873 | 743 | 784 | 721 | 551 | 606 | 758 | 670 | 595 | 15,093 |

as quoted by Katati.

Table 14

Use of Corporal Punishment on Juvenile Offenders (1971-1987)

| Year | Total No. of Cases | Caning | Caning as % of Total |
|---|---|---|---|
| 1971 | 1,059 | 606 | 57.2 |
| 1972 | 962 | 487 | 50.6 |
| 1973 | 996 | 410 | 41.2 |
| 1974 | 1,200 | 505 | 42.1 |
| 1975 | 1,207 | 584 | 48.4 |
| 1976 | 1,333 | 595 | 44.6 |
| 1977 | 1,066 | 467 | 43.8 |
| 1978 | 969 | 475 | 49.0 |
| 1979 | 873 | 478 | 54.8 |
| 1980 | 743 | 361 | 48.6 |
| 1981 | 784 | 404 | 51.5 |
| 1982 | 721 | 330 | 45.8 |
| 1983 | 551 | 247 | 44.8 |
| 1984 | 603 | 206 | 44.1 |
| 1985 | 758 | 314 | 41.4 |
| 1986 | 670 | 330 | 49.3 |
| 1987 | 595 | 226 | 37.9 |
| Total | 15,090 | 7,025 | 46.5 |

Source: Adapted from: The Department of Social Development Annual Reports, as quoted by Katati (1989).

Probation

54. Through Statutory Instrument No. 46 of 1985, the application of probation was extended from the limited preindependence application to cover the whole of Zambia, through the amendment of section 1 (subsidiary) of Cap. 147. The move was facilitated by the merger of the Departments of Community Development and Social Welfare in 1982, resulting in the creation of the Department of Social Development and in an increase in staff and the geographical coverage of social development services. Currently, the Department has 200 Probation Officers. Unfortunately, probation has suffered from lack of supportive services and facilities such as schooling and employment to absorb those who need these services for their rehabilitation. Seen in the context of these constraints, the rate of success as reflected in Table 15 is quite encouraging.

TABLE 15: PF

| Period | 1971 | 1972 | 1973 | 1974 | 1975 | 1976 | 1977 |
|---|---|---|---|---|---|---|---|
| Total No. of Cases/Orders | 436 | 469 | 504 | 552 | 578 | 511 | 493 |
| Satisfactory Completion | 99 | 165 | 165 | 130 | 173 | 173 | 200 |
| Unsatisfactory Completion | 52 | 50 | 31 | 54 | 136 | 37 | 40 |
| Success rate | 65.6 | 76.7 | 84.2 | 70.7 | 55.5 | 82.3 | 83.3 |

SOURCE Adapted from Department of Social Development Ann

BATION OF DELINQUENTS (1971-87)

| 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | 1986 | 1987 |
|---|---|---|---|---|---|---|---|---|---|
| 422 | 480 | 370 | 361 | 345 | 306 | 307 | 344 | 303 | 251 |
| 63 | 89 | 84 | 98 | 137 | 107 | 132 | 96 | 110 | 45 |
| 61 | 54 | 55 | 57 | 24 | 11 | 10 | 25 | 29 | 8 |
| 50.8 | 62.2 | 60.4 | 63.2 | 84.6 | 90.7 | 92.9 | 79.3 | 79.0 | 84.9 |

al Reports as quoted by Katati

Discharge

55. Discharge, absolute and conditional, represent a major disposal method employed by courts, ranking third after caning and probation. Like probation, orders of discharge are usually misunderstood and misinterpreted by the offenders and/or their parents/guardians to mean dismissal or withdrawal of the charge.

Approved School Training

56. For those juveniles who need institutional care as a precondition for rehabilitation, Nakambala Approved School in Mazabuka offers residential care, academic education, skills training and casework services. The Institution has a capacity for 75 boys, but there are plans for extending the residential capacity to at least 100. while in the approved school, the boys are given an opportunity to continue with their academic education as well as engage in skill training in carpentry, brickwork and agriculture as part of the rehabilitation process. Like probation, approved school training has suffered from resource constraints, including shortage of staff, lack of transport, training materials and equipment which have rendered the programme less effective. There are at present no corresponding institutional training facilities for female juvenile offenders.

Reformatory Training

57. Katombora Reformatory, the only institution of its kind providing long-term rehabilitation services to young offenders, is administered by the Ministry of Home Affairs. However, the Ministry of Labour, Social Development and Culture, through the Department of Social Development, provides social workers to provide casework and recreational services as well as co-ordinate after-care services with probation officers in the field. The social workers also service institutional committees, including the Reformatory Board. The Commissioner for Social Development serves as a member of the Board in his capacity as Commissioner for Juvenile Welfare and attends the Board's quarterly meetings.

58. Like the Approved School, the Reformatory also experiences severe personnel and resource constraints, lack of staff, materials and equipment for its rehabilitation programmes. As in the case of the Approved School, there is no corresponding institution in the country for female offenders.

After-care services

59. The Department of Social Development administers the after-care services catering for the youth released on licence from both Nakambala Approved School and Katombora Reformatory. The success of these services, like that in respect of probation, depends on the availability of other supportive community services and facilities, such as education, and employment opportunities for those who need them as a pre- requisite for rehabilitation. The general scarcity of these services and facilities constitute a serious constraint and bottleneck in the rehabilitation process. Faced with such a situation, many licencees get frustrated and relapse into crime.Table 16 shows the number of youths released on licence from both Nakambala Approved School and Katombora Reformatory each year during the period 1971-1987, indicating the level of success as can be seen from the ratio between satisfactory and unsatisfactory completion of supervision. Seen within the context of the many constraints, the results are encouraging.

| Period | 1971 | 1972 | 197 |
|---|---|---|---|
| From Kakambala | | | |
| Total Licencees | 110 | 112 | 97 |
| Unsatisfactory Completion | 15 | 7 | 9 |
| Success % | 59.5 | 75.0 | 62. |
| From Katombora | | | |
| Total Licencees | 143 | 103 | 75 |
| Satisfactory completion | 34 | 39 | 13 |
| Unsatisfactory Completion | 27 | 5 | 1 |
| Success % | 55.7 | 88.6 | 41. |

SOURCE: Adapted from Department of Social

TABLE 16 ZAMBIA. AFTER-CARE SERVICE 1971-87

| 3 | 1974 | 1975 | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 | 1982 | 1983 | 1984 | 1985 | 1986 | 1987 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 7 | 94 | 98 | 100 | 96 | 103 | 145 | 159 | 134 | 168 | 143 | 149 | 154 | 152 | 143 |
| 0 | 13 | 3 | 3 | 10 | - | 15 | 5 | 22 | 11 | 10 | 10 | 15 | 11 | - |
| 5 | 60.8 | 66.7 | 70.4 | 75.6 | - | 34.8 | 72.2 | 55.1 | 63.3 | 52.4 | 54.5 | 58.3 | 52.4 | - |
| 6 | 75 | 54 | 66 | 80 | 111 | 133 | 84 | 91 | 79 | 70 | 73 | 74 | 80 | 67 |
| 3 | 9 | 8 | 12 | 33 | 25 | 9 | 9 | 11 | 16 | 9 | 15 | 4 | 25 | 7 |
| 8 | 28 | 6 | 7 | 6 | 5 | 40 | 8 | 15 | 8 | 3 | 4 | 3 | 2 | 1 |
| 9 | 24.3 | 57.1 | 63.2 | 84.6 | 83.3 | 18.4 | 52.9 | 42.3 | 60.7 | 75.0 | 78.9 | 57.1 | 22.6 | 87.4 |

Development Annual Reports, as quoted by Katati

Imprisonment

60. The use of imprisonment by juvenile courts on juvenile offenders has caused great concern among social workers and other agencies concerned with juvenile welfare. Table 17 below, adapted from Institutional Returns and Zambia Police Annual Report, indicates the extent to which imprisonment is used on juvenile offenders:

Table 17

Use Imprisonment on Juvenile Offenders in Relation to Youth Institutions (1971-1981)

| Year | Number of Juveniles | | |
|---|---|---|---|
| | Imprisoned (Z.P.) | Admitted to Approved School (I.R.) | Admitted to Reformatory (I.R.) |
| 1972 | 843 | 33 | - |
| 1973 | 592 | 53 | - |
| 1974 | 697 | 58 | - |
| 1975 | 591 | 58 | 63 |
| 1976 | 440 | 55 | 46 |
| 1977 | 379 | 48 | 53 |
| 1978 | 710 | 78 | 60 |
| 1979 | 450 | 44 | 73 |
| 1980 | 684 | 49 | 72 |
| 1981 | 130 | 57 | 50 |

Source: Adpated from Institutional Returns (IR) and Zambia Police (ZP) Annual Reports, as quoted by Katati.

61. It can be seen from Table 17 above that each year, there are more juvenile offenders sentenced to imprisonment than those ordered to enter either the Approved School or the Reformatory, or placed on probation. Apart from its doubtful rehabilitative value on the juveniles so affected, imprisonment also appears to go counter to the provisions or restrictions contained in section 72 of the Juveniles Act which stipulate as follows:

- "No child shall be sentenced to imprisonment or to detention in a detention centre,
- No young person shall be sentenced to imprisonment if he can be suitably dealt with in any other manner".

It is strongly felt that most of the juveniles sentenced to imprisonment could benefit from training in either tha Approved School or the Reformatory, or even from probation.

Ethiopia

62. Rehabilitation programme of juvenile offenders in Ethiopia is handled by a single Government Institution, namely the Addis Ababa Training School and Remand Home for Boys under the Ministry of Labour and Social Affairs. The Home was established in 1942 under the auspices of the Ministry of Interior, with an initial intake of 35 boys. In 1956, it was transfered to the then Ministry of National Community Development and Social Affairs which is now the Ministry of Labour and Social Affairs.

65. The Addis Ababa Remand Home for Boys admits young offenders where cases are under investigation and those who are under sentencing by the juvenile court. When offenders are caught, they are taken by the police to a special court in the police station which is exclusively established to investigate criminal activities of minors. Those minors who, according to the Ethiopian Penal Code, are proven to be offenders, are taken to the juvenile court. If sentenced, normally from one to five years, they are admitted to the Remand Home for correction and rehabilitation.

64. The main task for the Addis Ababa Training School and Remand Home for Boys is to provide rehabilitation and educational programmes which enable young offenders to re-adjust to their society. The rehabilitation process is based on an understanding of each boy's personality, history, inclination, attitudes and the general background of the family. Hence the main objectives of the Home are to:

- assist boys to develop physical, mental and psychological attitudes compatible with the norms of society,
- provide the necessary services to re-educate and resocialize them in preparation for their future participation in the development of Ethiopia,
- assist them develop confidence by participating in a variety of activities that stimulate them to become more creative and inventive in preparation for future readjustment to the society,
- help them develop skills in a variety of trades for employment,
- engage them in practical work so that they can understand the importance of work,
- help them develop a sense of achievement and responsibility.

65. In realization of the fact that juvenile delinquency is a multi-causal problem, the rehabilitation program is based on the psychological, social and economical needs of the children admitted to the institution. The current activities therefore include academic classes up to the 7th grade, vocational training, probational training, guidance and counselling service, matron's service, medical services, after-care service and sports and recreation.

66. Table 18 given an indication of the number of adolescents admitted to the Remand Home and the type of offences comitted during the period 1984-88.

| Year | Theft | Battery | Homicide | Property damage | Body injury | S |
|---|---|---|---|---|---|---|
| 1984 | 1[illegible] | 9 | 5 | - | 2 | |
| 1985 | 9[illegible] | 4 | 1 | 4 | - | |
| 1986 | 21[illegible] | 4 | [illegible] | 3 | 1 | |
| 1987 | 15[illegible] | 13 | 3 | 7 | 6 | |
| 1988 | 12[illegible] | [illegible] | 3 | 6 | 1 | |
| Total | 696 | 38 | 20 | 20 | 10 | |
| % | 34.1 | 4.49 | 2.36 | 2.36 | 1.18 | |

SOURCE: Mengesha -- Juvenile Delinquency and Crim

TABLE 18 ETHIOPIA

Childrens admitted to the Addis Ababa Remand Home and types of offences committed (1984-1988)

| Type of offences | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| natch & robbery | Gambling | Rape | Fraud | Uncontrol-able behavior | Illegal migration | Collabora-tion with thieves | False state-ment | Total |
| 1 | - | - | - | - | - | - | - | 125 |
| - | 1 | 1 | 2 | - | - | - | - | 109 |
| 3 | 3 | - | 4 | 3 | 4 | - | - | 249 |
| 7 | 1 | 1 | - | 4 | 1 | - | - | 193 |
| 5 | 1 | - | 2 | 1 | - | 1 | 1 | 155 |
| 16 | 6 | 2 | 8 | 8 | 5 | 1 | 1 | 831 |
| 1.89 | 0.71 | 0.24 | 0.95 | 0.95 | 0.59 | 0.12 | 0.12 | 100 |

ne in Ethiopia, 1989

Uganda

67. The treatment of juvenile offenders in Uganda is provided in various institutions as specified in existing statutory provisions as follows:

Approved school

68. The Approved Schools Act (cap. 110) covers juveniles between the age of 10 and 16 years. According to this Act, juveniles offenders may be committed to an approved school if convicted. Before committing the offender, the court receives a welfare report from a probation officer and the accured or his representative must be given the opportunity to be heard concerning the report if he/she so wishes.

Reformatory school

69. Section 5 (i) of the Reformatory School Act (cap. 111) covers youthful offenders between the age of 16 and 18 years. As in the case of the approved school, the court must receive a report from a probation officer and the accused or his counsel must have the right to be heard before the court can commit the offender to a reformatory school.

Probation

70. Section 3 (1) of the Probation Act (cap. 109) provides for a probation order if a court convicts a young offender in respect of an offence the sentence of which is not fixed by law and the person is of or about the age of 14 years. In this case, the probation officer has the responsibility of providing relevant advice to the young offender, including finding him/her an employment, through the assistance of voluntary or religious agencies or a social worker.

After-care service

71. This usually consists of follow-up services which includes providing the young offender with tools and helping him to secure an employment in a well-established workshop or firm so that he/she is encouraged to work with other and to earn a descent living without reverting back to delinquent behaviour.

72. The prosecution of juvenile offenders takes place in special juvenile courts. In addition to the approved and reformatory schools as post-adjudication facilities, there are also remand homes which serve as pre-adjudication custodial facilities. The country has separate facilities for boys and girls, away from adult institutions. Where a court finds that a charge has been proved, it may decide to convict. But if it is of the opinion that it is not expendient to inflict a punishment, the court may dismiss the charge without recording the convinction. While in custody, juvenile offenders are provided with formal training and/or basic skill training in such fields as brick-laying, mechanics, tailoring, embroidery, cookery, and home economics.

CONCLUSION

73. This report has attempted to discuss the various aspects of juvenile delinquency and criminality in African countries. Even though it is limited in coverage and scope, it is evident that the problem is being increasingly recognized by African countries as being of great concern and therefore requires more deliberate and concerted efforts in terms of appropriate policies and programmes for its prevention and control as well as for the treatment of juvenile offenders. Since juvenile delinquency and crime occure as a result of an interplay between various social and economic factors, measures to counteract this growing phenomenon cannot be devised in isolation, but rather as part of overall efforts to address African countries social and economic conditions.

74. Some of the pertinent proposals include the provision of relevant skill-training for out-of-school youth, with attention to possibilities for either self-employment opportunities with emphasis on alternative approaches, particularly in the informal sector, in order to absorb more young people; stemming the rural- urban migration of youth by reducing the gap between urban and rural income, opportunities, and services. In this respect, some countries have embarked on programmes for rural housing, water, sanitation and electrification, all of which are essential not only as basic services but also for the development of small-scale rural industries in which young people could be absorbed. Strengthening and adequate support to existing youth development programmes, educating the public through the mass media on the plight of young people and the role and duty of socializing agencies; and re-enforcing the role of the family and community in the upbringing of young people are also important preventive elements.

75. As regards the treatment of juvenile offenders, a wider and deeper analysis of existing methods and institutions would be required with a view not only to determining their effectiveness, but also to devising more diverse, diversionary and alternative approaches, as opposed to the conventional methods, some of which were originally alien to African societies. Lastly, in order to give the issues of juvenile delinquency and crime the weight and attention it requires it should be adequately reflected in national development plans under the appropriate sectors.